

GOVERNMENT

SIKKIM



GAZETTE

EXTRAORDINARY
PUBLISHED BY AUTHORITY

Gangtok

Friday 18th December, 2015

No. 470

HIGH COURT OF SIKKIM
GANGTOK

No. 42 / HCS

Dated : 4/12/2015

NOTIFICATION

SIKKIM SUBORDINATE COURTS (MANAGEMENT AND PRESERVATION OF DISPOSED OF RECORDS) RULES, 2015

In exercise of the powers conferred by Section 7(iii) of the High Court of Judicature (Jurisdiction and Powers) Proclamation of 1955 as amended by the Adaptation of Sikkim Law (No.1) Order, 1975 and in exercise of the power conferred by Part X of the Code of Civil Procedure 1908 (5 of 1908) and all other enabling powers, the High Court of Sikkim makes the following Rules for management and preservation of disposed of records of the Subordinate Courts of Sikkim.

1. Short title and commencement :

- (a) These rules shall be called the **Sikkim Subordinate Courts (Management and Preservation of Disposed of Records) Rules, 2015**.
- (b) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions :

- (a) "Peshkar/concerned Officer" means an employee of a Subordinate Court who is responsible for holding the records of any case even after its disposal till deposit in the record room;
- (b) "Records" in these Rules mean records of a case which has already been disposed of by any Subordinate Court and is generally referred to as a disposed of case;
- (c) "Subordinate Courts" mean and includes the Courts of the District & Sessions Judge, Judge Fast Track Court, Chief Judicial Magistrate-cum- Civil Judge/Senior Civil Judge, Civil Judge-cum-Judicial Magistrate, the Judge of the Family Court and Juvenile Justice Board.

- 3. (1) Records of disposed of cases of Subordinate Courts shall be preserved by keeping them in a File stitched in the form of book-binding with an index prepared under the signature of the concerned Peshkar/Officer in the following manner :

(a) **Civil Suit :-**

Part - I

- (i) Order Sheets;
- (ii) Plaint;
- (iii) Written Statement(s);
- (iv) Counter Claim/ Issues;
- (v) Written Statement to Counter Claim; order X proceedings
- (vi) Evidence of Plaintiff(s) and witness(es) in seriatim;
- (vii) Proved (exhibited) documents of Plaintiff(s);
- (viii) Evidence of Defendant(s) and witness(es) in seriatim;
- (ix) Proved (exhibited) documents of Defendant(s);
- (x) Judgment and Decree/Compromise Decree.
- (xi) Settlement under Section 89 CPC (Similar format to be followed for Cross Suit)

Part - II

- (i) Un-proved documents;
- (ii) Miscellaneous applications;
- (iii) Other miscellaneous documents.

(b) **Civil Appeal/Miscellaneous Appeal :-**

Part - I

- (i) Order Sheets;
- (ii) Memorandum of Appeal;
- (iii) Copy of the impugned Judgment & Decree/Order;
- (iv) Judgment & Decree/Order of the Appellate Court/Compromise Decree/ Settlement under Section 89 CPC (Similar format to be followed in Cross Appeal)

Part - II

Other miscellaneous documents.

(c) **Review**

- (a) Review Petition .
- (b) Reply.
- (c) Orders of the Court

(d) **Arbitration:**

- (a) Order Sheet.
- (b) Application under Sec 34 of the Arbitration & Conciliation Act, 1996.
- (c) Objection/reply by respondent/opposite party.
- (d) Application U/Sec 9 of the Arbitration Act.
- (e) Objection.
- (f) Documents of Petitioner.
- (g) Documents of Respondent
- (h) Orders
- (i) Other Misc Applications/Documents

(e) **Motor Accident Claims Tribunal (MACT) Cases :-**
Part - I

- (i) Order Sheets;
- (ii) Claim Petition;
- (iii) Written Statement(s);
- (iv) Evidence of Claimant(s) and witness(es) in seriation
- (v) Proved (exhibited) documents of Claimant(s);
- (vi) Evidence of Respondent(s) & witness(es) in seriation
- (vii) Proved (exhibited) documents of Respondent(s);
- (viii) Award passed by the Tribunal.

Part - II

Other miscellaneous documents and applications.

(f) **Criminal Case/Sessions Trial :-**
Part - I

- (i) Order Sheets;
- (ii) Chargesheet/ Complaint
- (iii) Charges framed/Substance of accusation;
- (iii) Evidence of Prosecution Witness(es)/Complainant;
- (iv) Proved (exhibited) documents of Prosecution/Complainant;
- (v) Statement(s) of Accused person(s) u/s 313 Cr.P.C. ;
- (vi) Evidence of Defence Witness(es).

- (vii) Proved (exhibited) documents of Defence;
- (viii) Judgment of the Court.
- (ix) Order on Sentence.

Part - II

- (i) Un-proved documents;
- (ii) Other miscellaneous documents/applications.

Part III

- (I) Final Report
- (ii) Order of the Court
- (iii) Other Documents/applications

(g) **Criminal Appeal** :-

Part - I

- (i) Order Sheets;
- (ii) Memorandum of Appeal;
- (iii) Copy of impugned Judgment/Order;
- (iv) Judgment/Order of the Appellate Court.

Part - II

Other miscellaneous documents/applications

(h) **Criminal Revision** :-

Part - I

- (i) Order Sheets;
- (ii) Memorandum of Revision;
- (iii) Copy of impugned Judgment/Order;
- (iv) Judgment/Order of the Revisional Court.

Part - II

Other miscellaneous documents/applications.

- (2) The records of the cases not covered under the categories defined in Rule 3(1) shall generally be kept in the same manner looking at the nature (Civil or Criminal) of those cases.
- (3) If the record of disposed of case is bulky, then more than one volume in the above seriatim may be prepared.

FORM – I
RECORD CHALLAN

Court of _____ in _____ District

CHALLAN OF FILES CONSIGNED TO DISTRICT/SUB-DIVISION RECORD ROOM

Date of Dispatch of Records to District Record Room	Case Number	Names of Parties	Nature of Case	For transferred file, particulars of original District/ Sub-division	Signatures in full of Peshkar handing over and Record Keeper receiving the file with date	Number allotted In Record Room, if any, with date
1	6	4	5	7	8	9

Date :

Signature of Record Keeper

Signature of Peshkar

- (4) If the record of any disposed of case is so bulky that it would not be feasible to keep it in the above manner, then the concerned District & Sessions Judge shall pass necessary order in writing for keeping them in bags/boxes or in any other manner as he thinks fit.
4. The concerned Peshkar/concerned Officer shall make the File of a disposed of case as early as possible, after the date of its disposal, preferably within a period of 15 (fifteen) days and shall deposit the same in the record room at the earliest with a report to the concerned Judicial Officer.
5. Records of the disposed of cases shall not be sent to any Court/Tribunal/ Authority which calls for the File unless the sections are maintained as per the formats prescribed.
6. The District & Sessions Judge, as far as possible, shall also endeavour to prepare records of old disposed cases, lying in the Record Room, in the format prescribed as above.
7. On receipt of the case File in the record room, the Record Keeper will examine the index and check the entries as per various columns of Record Challan in Form-I. He will then, if the record is complete, sign the certificate to that effect at the foot of the index in the presence of the concerned Peskar, and enter the case in its appropriate Register.
8. If any document is found missing the Record Keeper will at once bring the deficiency to the notice of the concerned Judicial Officer.

K. C. Barphungpa
REGISTRAR GENERAL

